

Bill 68 – *Comprehensive Ontario Police Services Act, 2019*

Submission to the Standing Committee on Justice Policy

March 7, 2019

Democratically elected local officials must provide for the full range of municipal services that keep Ontarians safe and healthy. That includes, but is not limited to, the financial needs of police services across the province and the OPP's municipal mandate.

Ontarians pay the highest policing costs in the country. Most of those dollars come from municipal property taxpayers. Ontarians also pay the highest property taxes in the country. In 2015-16, per capita spending in Ontario was \$362 while the average across the country was \$328. If spending in Ontario matched the per capita average of all provinces, Ontarians would be \$469 million richer. Those dollars could provide many of the local services that keep people safe and healthy.

Much of what has driven the cost of policing in Ontario is the legislation that governs policing. As a result, legislation that enables improvements to the efficiency and effectiveness of policing has been a key goal of municipal elected officials for many years. There are some changes in Bill 68 which will advance the agenda to modernize policing. But there are equally some elements of the Bill which will drive municipal costs and police budgets even higher.

What follows below are areas of the Bill of keen interest to municipal leaders:

1. Mandating municipalities to develop Community Safety and Well-Being Plans

Proposed Municipal Changes:

1. Limit the scope of this mandate based on the size of a municipality or where an acute local public safety need exists.
2. Instead of legislation that punishes municipalities for non-compliance, encourage the development of such plans through outreach and financial support.

AMO supports the objectives of Community Safety and Well-Being planning on a voluntary basis. Pilot projects where such plans have been developed have demonstrated success precisely because of the voluntary participation of all partners. AMO supports the Ministry's development of a grant program or other means that supports the voluntary municipal development of Community Safety and Well-Being plans.

We are pleased the Bill now compels police services to participate in the development of such plans. This is more in keeping with the spirit of successful community safety planning.

The Bill will require Councils to provide the Minister with information respecting the preparation, adoption or implementation of a plan. However, many of the representatives listed above, are provincial employees and not municipal employees. Thus, a Council's compliance with this section of the Bill, will not be determined by a Council or its municipal employees. Legislative direction should be given to these provincial agencies to compel their participation or the scope of the mandate should be limited.

Under the Bill, a failure to implement a plan has consequences for elected officials. It means that the Minister has the power to appoint an individual with the powers of a Council. This is contrary to democratic values and the principles of responsible government.

Finally, there are practical considerations to imposing a one size fits all mandate for all 444 municipalities. Significant staff capacity limitations exist for many communities. For example, 190

municipalities have six or less full time administrative staff, 11 municipalities have only one full time administrator.

2. Civilianization

Proposed Municipal Changes:

1. Permit the civilianization of minor property offences, directing traffic, and crime scene security.

As included in Bill 68, adequate and effective policing now excludes the provision of court security. This is a positive development. AMO's hope is that this reflects the potential to pursue a greater degree of service delivery options including civilianization for court security and prisoner transportation.

The ability to reduce costs is incumbent, in part, on ensuring officers are performing the critical public safety functions which require a sworn, armed officer. AMO supports the involvement of other public safety personnel to deliver public safety services. AMO's Policing Modernization Paper stated:

"A safe and secure community depends on multiple organizations and professions, not just the police. Security is built upon a broad safety and security web including private security, local health professionals, community groups, and municipal, provincial and federal government agencies. It is the effective functioning of this web which will deliver better, more efficient and effective public safety outcomes, not just police."

3. Consolidation of OPP Detachment Boards and Role

Proposed Municipal Changes:

1. Provide assurance in law that all municipalities will be represented on OPP Boards.
2. The OPP Police Governance Advisory Council should establish a mechanism to receive and provide advice to the Minister of Community Safety and Correctional Services and the President of the Treasury Board with respect to the fiscal position of municipal governments to inform the government's bargaining position with the Ontario Provincial Police Association.

The Bill would reduce the number and consolidate all existing OPP community policing advisory committees (non-contract or Section 5.1) and OPP police service boards (contract or Section 10) into one board per OPP detachment. In effect, this would eliminate nearly 100 OPP boards. The composition of OPP detachment boards shall be provided for in regulations.

The elimination of nearly 100 OPP boards will put much more distance between a community, its board, and the police. Policing is fundamentally local. This proposal creates a significant logistical challenge. Detachment boundaries should not be the starting point for determining board boundaries. The importance of giving all municipalities a voice in policing needs to be emphasized, especially considering the dollars which councils seek from the public to provide policing services. To that end, any consolidation of Boards should be done in a manner that provides for the

representation of all municipal councils and regulations should prescribe how differences in service levels (and costs) between communities will be managed.

In addition, the Bill proposes an OPP Police Governance Advisory Council be established to advise the Minister on the responsibilities of the Commissioner. This proposal touches on recommendations made by AMO's Policing Modernization Paper related to establishing such a body. The Governance Council should also include the mandate to provide the Minister of Community Safety and Correctional Services and the President of the Treasury Board with advice regarding the fiscal position of municipal governments to inform the government's bargaining position with the Ontario Provincial Police Association.

4. Police Service Boards

Proposed Municipal Changes:

1. Require in law that the provincial government expedite the appointment of its representatives to boards and in so doing, increase the diversity on a Police Service Board. This is consistent with the findings of shortcomings and delays noted by the Auditor General of Ontario's report on Public Appointments.
2. Diminish restrictions on former police officers servicing on a board to within one year of employment by a service.

Expedited provincial appointments to police service boards would greatly improve governance, increase diversity, and maintain quorum. Legislation should establish minimum standards on the timeliness of provincial appointments.

The limits on former police officers serving on boards are unnecessarily restrictive and infringes on their rights as private citizens. Such limits should be eliminated after one year.

5. Establishment of a Provincial Inspector General

Proposed Municipal Changes:

1. Supporting boards in fulfilling their function should be a mandate of this office.
2. The Inspector General should be an independent office of the Legislative Assembly.
3. Establish limits for the billing of board inspections.

One of the primary roles for this position is monitoring and inspecting of boards. The role should also include supporting boards in fulfilling their mandates including the development of strategic plans, determining new OPP police service boards' composition, supporting the expedited appointment of provincial appointees, and supporting mandatory board training programs. In addition, conditions should be established under which boards would be billed for inspections. In instances where no fault is found, such costs could be crippling for a board that has done nothing wrong.

6. Suspension without Pay

Proposed Municipal Changes:

1. AMO support further amendments which ensure the ability of a Chief to maintain discipline within the police service.

Chiefs have previously expressed concerns with the restrictiveness and limitations of the suspension without pay provisions, AMO urges further action in this regard.

7. Waterways Policing

Proposed Municipal Changes:

1. Provide greater legislative clarity to avoid overlap with waterways currently policed by the OPP.

Expanded requirements for all municipalities to build waterways policing capacity may be duplicative and unnecessarily costly. Greater steps should be taken to mandate shared waterways policing capacity where possible.

Conclusion

In the words of Justice Stephen T. Goudge, QC who authored a paper on the future of policing: "Police services must adapt if they are to improve the effectiveness and efficiency with which they deliver safety and security." Municipal leaders are seeking legislative change that promotes the effective and efficient delivery of public safety and policing into the future.

A multitude of services are needed to build safe and healthy communities. Local elected officials and municipal governments must oversee the financing and delivery of many services that Ontarians rely on everyday. This includes policing indirectly, among others. The contributions of the Association of Municipalities of Ontario and local elected officials are from this broader context.

AMO's recommendations have endeavoured to put forward ideas that lay the foundation for long-term sustainability and the delivery of high quality public safety services into the future.